

### **REMARKS**

This amendment is responsive to the Final Office Action dated June 6, 2008. Claims 1, 4, 7, and 8 remain pending in the application. Applicant respectfully requests reconsideration of the pending claims in light of the following remarks.

The Office Action alleges that Applicant's amendment necessitated the new grounds of rejection, and accordingly, the Office Action is made final. This is respectfully traversed. Applicant seeks review and reconsideration of the prematurity of the final rejection within the Final Office Action for at least the reasons set forth below.

The initial Office Action, mailed November 27, 2007, rejected claims 1-6 under 35 U.S.C. § 102(a) as being anticipated by U.S. Pub. No. 2003/0206203 to Ly ("Ly"). (November 27, 2007 Non-final Office Action, pg. 3, lines 7-8.) The Applicant's Response to the November 27, 2007 Non-final Office Action amended claims 1 and 4, cancelled claims 2-3 and 5-6, and added new claims 7-8. (April 28, 2008 Reply, pgs.2-4.) However, the Response noted that the 102(a) rejection under Ly was improper, stating "that the publication date of the Ly reference is November 6, 2003, which is after Applicant's priority date of June 13, 2003. As such, it is believed that the reference does not qualify under section 102(a)." (April 28, 2008 Reply, pg. 5, lines 18-20.)

The Final Office Action introduced a new grounds of rejection, rejecting claims 1 and 4 solely under 35 U.S.C. § 102(e) as being anticipated by Ly. The Final Office Action's new ground of rejection was necessitated not by the amendment to claims 1 and 4, but by the fact that the Ly reference did not qualify under section 102(a). Therefore, the finality of the June 6, 2008 Final Office Action was premature (See 37 CFR 1.97(c), MPEP 706.07(a)). Because the finality of the June 6, 2008 Office Action was premature, Applicant respectfully requests either the allowance of claims 1, 4, 7, and 8 or, at the very least, a new Non-final Office Action stating the new grounds for rejection. See M.P.E.P. §706.07(c).

Regardless, for reasons noted in detail below, the rejection of claims 1 and 4 as being anticipated by Ly is without merit, and it is believed that those claims are in condition for immediate allowance.

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0206203 to Ly ("Ly"). This rejection is traversed.

Ly seeks to provide "a collaborative free-form environment for generating, viewing, and flexibly arranging data," "to enable the efficient collection of free-form data, and further to enable structure to be added and used in a manner that does not unduly interfere with the creative use of the data." (Ly, para. [0009], lines 1-7.) Ly discloses, therefore, a method of collaborating with unstructured data with multiple concurrent collaboration displays. (Ly, para. [0010], lines 1-3.) "Structure may be added to the data object by associating the data with one or more categories, where each category relates to a higher-level concept." (Ly, para. [0010], lines 5-7.) "Each collaboration display may use a selectable set of categories to display the data object." (Ly, para. [0010], lines 7-9.) "In this way, each collaboration display may be configured to view the data object with a desired level of structure." (Ly, para. [0010], lines 9-11.) Ly discloses that "[b]y selecting and focusing on particular categories, each user may view the same data in a manner that is most effective for that particular user." (Ly, para. [0011], lines 3-6.) Accordingly, multiple concurrent users may use and arrange data in a way that "keeps the structure from impeding creativity." (Ly, para. [0011], lines 12-14.)

In Ly, the collaboration system is a server-side framework. (Ly, para. [0088], lines 1-2.) Ly's collaboration framework "allows multiple distributed clients to view and modify the same collaborative document in near real time as changes or additions are made by other users." (Ly, para. [0088], lines 2-5.) Users may make changes to the data, make live updates, and add detail to data notes, "and those changes may be reflected in the displays of other users, with only a systemic delay." (Ly, para. [0088], lines 6-9.) Or, if one user of a data arrangement 322 makes changes to a data object 341, the system may be configured to seek approval from the user of another data arrangement 324 before updating the change to the corresponding data object 341a data arrangement 324, or not update the corresponding data objects 341a at all. (Ly, para. [0086], lines 19-24.)

Ly discloses that the collaboration framework allows clients to share their modifications, in near real time, with other clients. (Ly, para. [0089], lines 1-3.) When a user modifies the document,

that collaborative edit is substantially immediately routed to all other interested parties via a collaboration server. (Ly, para. [0089], lines 3-5.) Network traffic is minimized by propagating only the changes to collaborating clients, instead of the entire data set. (Ly, para. [0089], lines 5-8.) “[C]hanges are propagated as proposed changes that are presented to users for acceptance.” (Ly, para. [0089], lines 9-10.) “Using such proposed changes allows inputs from all users to be accommodated, but reduces errors from simultaneous changes and possible inconsistent displays.” (Ly, para. [0089] 10-13.)

On the other hand, Applicant’s invention relates to an editing device and method which reduces the waiting time of editing data and is suitably applied to an on-air system used in a television broadcasting station. (Substitute Spec., pg. 1, lines 6-8; pg. 2, lines 12-14.) Applicant’s claim 1 recites: *[a]n editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising:*

*processing means for performing a prescribed process on edit material;*

*registration means for registering the editing result in the external device; and*

*control means for controlling said processing means and said registration means, wherein*

*said control means controls said processing means so as to perform the process on only necessary parts out of the edit material and controls said registration means so as to register only a result of the process of the necessary parts in the external device as the editing result, wherein*

*said control means controls said processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list, wherein*

*when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said control means controls said processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of*

*the edit material, and controls said registration means so as to register a result of the process of the necessary parts in the external device as the editing result, and wherein*

*when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device.*

Many of these claimed features are neither disclosed nor suggested by Ly. For instance, Ly fails to teach, disclose, or suggest “[a]n editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device[.]” Ly discloses that a user may interact with the data in a “freeform and creative way,” using “a graphical interaction device, such as a mouse, or other pointing device to arrange, add, and delete notes to facilitate a creative thought process.” (Ly, para. [0037], lines 1-5.) Ly further discloses that the user “makes a change” to the data objects and that data objects may be “selected and presented.” (See Ly, para. [0086], lines 19-21; para. [0087], lines 4-6.) However, Ly makes no mention whatsoever of “an editing process based on a list specifying edit details.”

Further, Ly fails to teach, disclose, or suggest “[a]n editing device ... wherein [a] control means controls [a] processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list.”

Ly also fails to teach, disclose, or suggest batch registration modes, with the batch registration mode registering the editing result after the list specifying edit details is finished. Specifically, Ly fails to disclose or suggest “[a]n editing device ... wherein when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, [a] control means controls [a] processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in [an] external device, out of the necessary parts out of the edit material, and

*controls [a] registration means so as to register a result of the process of the necessary parts in the external device as the editing result[.]”*

Ly appears to suggest only manual operations on data, disclosing that a user may interact with the data in a “freeform and creative way,” using “a graphical interaction device, such as a mouse, or other pointing device to arrange, add, and delete notes to facilitate a creative thought process.” (Ly, para. [0037], lines 1-5.) Further implying manual operations on data, Ly discloses that the electronic process is constructed to “advantageously” use graphical interactions, “such as dragging and dropping functions, for facilitating ease of use and efficient interactions.” (Ly, para. [0037], lines 6-8.)

In response to the arguments in Applicant’s April 28, 2008 Amendment, the Office Action alleges that “an option allows for approval of updates. In this instance, the batch of updates are held, and do not occur until a reviewer approves the updates.” (Office Action, pg. 6, lines 19-21.) Apparently alleging that the “option allow[ing] for approval of updates” constitutes setting a batch registration mode, with the batch registration mode registering the editing result after the list specifying edit details is finished, the Office Action seems to highlight significant differences between the present invention and the disclosure of Ly.

Ly discloses that “if the user of data arrangement 322 makes a change to data object 341, the system could be configured to automatically update data object 341a, or to seek approval from the user of data arrangement 329 before making an update to data objection 341a, or not update data object 341a at all.” (Ly, para. [0086], lines 19-24.)

It is important to note that whether or not the change made by user of data arrangement 322 to data object 341 is updated in the corresponding data object 341a in data arrangement 324, the change to data object 341 is made regardless of whether the user of data arrangement 329 allows data object 341a to be updated or not. In other words, Ly does not disclose that the actual editing to data object 341 is performed by batch processing, but merely that after changes are made to data object 341, the updating of corresponding data object 341a may be postponed by another collaborative user. Because claim 1 does not recite any feature concerning other collaborative

users, let alone updating their respective data arrangements as the data is edited, Applicant fails to see the connection with the disclosure of Ly and the present invention.

Ly also fails to teach, disclose, or suggest sequential registration modes, with the sequential registration mode registering the editing result responsive to a sequential part registration request. Specifically, Ly fails to disclose or suggest “[a]n editing device... wherein when a sequential registration mode is set, and a sequential part registration request is received when [a] list is being created, [a] control means controls [a] processing means so as to perform the process and control [a]d registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device.”

The Office Action further alleges that Ly discloses sequential registration mode, the updates are pushed to users once received.” (Office Action, pg. 7, lnes 4-5.) Apparently alleging that the “option allow[ing] for approval of updates” constitutes sequential registration modes, with the sequential registration mode registering the editing result responsive to a sequential part registration request, the Office Action again seems to highlight the differences between the present invention and the disclosure of Ly.

Ly discloses that “if the user of data arrangement 322 makes a change to data object 341, the system could be configured to automatically update data object 341a, or to seek approval from the user of data arrangement 329 before making an update to data objection 341a, or not update data object 341a at all.” (Ly, para. [0086], lines 19-24.)

Again, whether or not the change made by user of data arrangement 322 to data object 341 is updated in the corresponding data object 341a in data arrangement 324, the change to data object 341 is made regardless of whether the user of data arrangement 329 allows data object 341a to be updated or not. In other words, Ly does not disclose that the actual editing to data object 341 is performed by batch processing, but merely that after changes are made to data object 341, the updating of corresponding data object 341a may be postponed by another collaborative user. Because claim 1 does not recite any feature concerning other collaborative users, let alone updating their respective data arrangements as the data is edited, Applicant fails to see the connection with the disclosure of Ly and the present invention.

Because Ly fails to teach, disclose, or suggest each and every limitation of claim 1, reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection of claim 1 is respectfully requested. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

For reasons similar to those provided regarding claim 1, Ly fails to teach, disclose, or suggest each and every limitation of claim 4. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection of claim 4, as being anticipated by Ly, is respectfully requested.

Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0206203 to Ly (“Ly”) in view of U.S. Pub. No. 2003/0219226 to Newell et al. (“Newell”). This rejection is respectfully traversed.

Claims 7 and 8 depend from claims 1 and 4, respectively, and thus incorporate the features recited therein. For the reasons stated above, Ly fails to teach, disclose, or suggest many of the features incorporated into claims 7 and 8, and Newell does not remedy the deficiencies of Ly.

Newell discloses “a method and system for accessing video data stored on a hard disk storage device.” (Newell, para. [0009], lines 2-4.) Newell’s disclosure involves a processor “used to generate a preview sequence comprising video sequences extracted from each video program in the storage device.” (Newell, para. [0009], lines 4-6.) “The preview sequence may be provided as a grid containing a plurality of video sequences and other textual or graphical data related to the programs displayed, or may be provided as a sequence of video sequences.” (Newell, para. [0009], lines 6-10.) Further, Newell discloses that “[t]he processor also generates a graphical use interface to allow a user to select a video program from video sequences that are displayed.” (Newell, para. [0010], lines 1-3.) Then, “[o]nce selected, the program corresponding to the video sequence may be viewed, deleted, or edited.” (Newell, para. [0010], lines 3-5.)

The Newell reference is apparently relied upon for its disclosure wherein the sequential part registration is prompted by a selection of a preview command; however, the reference offers no disclosure or suggestion of the features described above as being absent from Ly.

Because the relied-upon references, even in combination, still fail to yield Applicant's claimed invention, a prima facie case of obviousness has not been presented regarding claims 7 or 8. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.); *see also* MPEP 2143.03.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Ly in view of Newell.



### CONCLUSION

For the foregoing reasons, reconsideration and allowance of the claims which remain in the application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

This response is believed to be a complete response to the Office Action. However, Applicant reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3031 from which the undersigned is authorized to draw.

Dated: October 3, 2008

Respectfully submitted,

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